

**NOTICE TO ATTORNEY GENERAL OF
COMPLAINT ON CHAPTER 93A ACTION**

DOCKET NUMBER
1772CV00509

**Trial Court of Massachusetts
The Superior Court**



CASE NAME:
Shift Eco Boutique, LLC. vs. In The Pink Stores, Inc.

Scott W. Nickerson, Clerk of Court
Barnstable County

Attorney General
Consumer Protection Division
One Ashburton Place
Boston, MA 02108-1698

COURT NAME & ADDRESS
Barnstable County Superior Court
3195 Main Street
Barnstable, MA 02630

Pursuant to G.L. c. 93A, § 10, enclosed is a copy of the complaint seeking relief under G.L. c. 93A. The action was filed in this court on 10/31/2017.

Copy of Complaint previously sent to Attorney General on 10/31/17. Copy of Stipulation of Dismissal enclosed herewith.

DATE
02/21/2018

CLERK OF COURTS
Scott W. Nickerson, Clerk of Court

SUPERIOR COURT
BARNSTABLE, SS
FILED FEB 20 2018
Scott L. Wilson Clerk

COMMONWEALTH OF MASSACHUSETTS

BARNSTABLE, ss.

SUPERIOR COURT
CIVIL ACTION NO. 1772CV00509

SHIFT ECO BOUTIQUE, LLC,

Plaintiff

v.

IN THE PINK STORES, INC.,

Defendant.

STIPULATION OF DISMISSAL

The parties to the above-entitled action, pursuant to the provisions of Mass. R. Civ. P. 41(a)(1)(ii), hereby stipulate that said action be dismissed with prejudice, without costs or fees, waiving all rights of appeal.

Respectfully submitted,

THE PLAINTIFF,
SHIFT ECO BOUTIQUE, LLC

THE DEFENDANT,
IN THE PINK STORES, INC.

By its attorneys,

By its attorney,

Eugene R. Curry
Eugene R. Curry (BBO# 549239)
Law Office of Eugene R. Curry
3010 Main Street
Barnstable, Massachusetts 02630
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ercurry@eugenecurry.com

Jason E. Armiger (ERC)
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Bruce A. Bierhans (BBO#042630)
540 Main Street, Suite 17

Hyannis, Massachusetts 02601
(508) 775-4500
Bruce@bierlaw.com

DATED: February 20, 2018

CERTIFICATE OF SERVICE

I hereby verify that on this date, February 20, 2018, a true copy of the attached Stipulation of Dismissal was served upon all attorneys of by electronic mail.


Eugene R. Curry

COMMONWEALTH OF MASSACHUSETTS

BARNSTABLE, ss.

SUPERIOR COURT DEPARTMENT
OF THE TRIAL COURT



SHIFT ECO BOUTIQUE, LLC,

Plaintiff,

v.

IN THE PINK STORES, INC.,

Defendant.

CIVIL ACTION NO. 17CV509

NOTICE OF APPEARANCE

Please enter my appearance as counsel for the Defendant In The Pink Stores, Inc. in the above-captioned action.

Respectfully submitted,


Jason E. Armiger (BBO # 685862)
GESMER UPDEGROVE LLP
40 Broad Street
Boston, MA 02109
(617) 350-6800
jason.armiger@gesmer.com

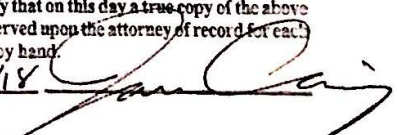
Date: February 9, 2018

CERTIFICATE OF SERVICE

I hereby certify that on this day a true copy of the above document was served upon the attorney of record for each party by mail / by hand.

Date

2/9/18





Commonwealth of Massachusetts

BARNSTABLE, SS.

TRIAL COURT OF THE COMMONWEALTH
SUPERIOR COURT DEPARTMENT
CIVIL DOCKET NO. 17 CV 509

SHIFT EGO BOUTIQUE, LLC, PLAINTIFF(S),

v.

IN THE PINK STORES, INC., DEFENDANT(S)

SUMMONS

THIS SUMMONS IS DIRECTED TO IN THE PINK STORES, INC. (Defendant's name)

You are being sued. The Plaintiff(s) named above has started a lawsuit against you. A copy of the Plaintiff's Complaint filed against you is attached to this summons and the original complaint has been filed in the Barnstable Superior Court. **YOU MUST ACT PROMPTLY TO PROTECT YOUR RIGHTS.**

1. **You must respond to this lawsuit in writing within 20 days.** If you do not respond, the court may decide the case against you and award the Plaintiff everything asked for in the complaint. You will also lose the opportunity to tell your side of the story. You must respond to this lawsuit in writing even if you expect to resolve this matter with the Plaintiff. **If you need more time to respond, you may request an extension of time in writing from the Court.**
2. **How to Respond.** To respond to this lawsuit, you must file a written response with the court and mail a copy to the Plaintiff's Attorney (or the Plaintiff, if unrepresented). You can do this by:
 - a. Filing your **signed original** response with the Clerk's Office for Civil Business, Superior Court, by mail or in person to: 3195 Main Street, Barnstable, MA 02630
 - b. Delivering or mailing a **copy** of your response to the Plaintiff's Attorney/Plaintiff at the following address: EUGENE E. CORRY, 3010 MAIN ST, BARNSTABLE, MA 02630
3. **What to include in your response.** An "Answer" is one type of response to a Complaint. Your Answer must state whether you agree or disagree with the fact(s) alleged in each paragraph of the Complaint. Some defenses, called affirmative defenses, must be stated in your Answer or you may lose your right to use them in court. If you have any claims against the Plaintiff (referred to as **counterclaims**) that are based on the same facts or transaction described in the Complaint, then you must include those claims in your Answer. Otherwise, you may lose your right to sue the Plaintiff about anything related to this lawsuit. If you want to have your case heard by a jury, you must **specifically** request a jury trial in your Answer or in a written demand for a jury trial that you must send to the other side and file with the court no more than 10 days after sending your Answer. You can also respond to a Complaint by filing a "**Motion to Dismiss**," if you believe that the complaint is legally invalid or legally insufficient. A Motion to Dismiss must be based on one of the legal deficiencies or reasons listed under **Mass. R. Civ. P. 12**. If you are filing a Motion to Dismiss, you must also comply with the filing procedures for "Civil Motions" described in the rules of the Court in which the complaint was filed, available at www.mass.gov.courts/case-legal-res/rules of court.

**NOTICE TO ATTORNEY GENERAL OF
COMMONWEALTH OF MASSACHUSETTS**

DOCKET NUMBER
1772CV00509

Trial Court of Massachusetts
The Superior Court



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**COMMONWEALTH OF MASSACHUSETTS
BARNSTABLE COUNTY
Public Docket Report**

1772CV00509 Shift Eco Boutique, LLC. vs. In The Pink Stores, Inc.

CASE TYPE:	Contract / Business Cases	FILE DATE:	10/31/2017
ACTION CODE:	BH1	CASE TRACK:	A - Average
DESCRIPTION:	Violation of Antitrust or Trade Regulation Laws	CASE STATUS:	Open
CASE DISPOSITION DATE	02/20/2018	STATUS DATE:	10/31/2017
CASE DISPOSITION:	Disposed by Agreement / Settled	CASE SESSION:	Civil A
CASE JUDGE:			

LINKED CASE

DCM TRACK

Tickler Description	Due Date	Completion Date
Service	01/29/2018	11/13/2017
Answer	02/28/2018	02/20/2018
Rule 12/19/20 Served By	02/28/2018	02/20/2018
Rule 12/19/20 Filed By	03/30/2018	02/20/2018
Rule 12/19/20 Heard By	04/30/2018	02/20/2018
Rule 15 Served By	12/26/2018	02/20/2018
Rule 15 Filed By	01/24/2019	02/20/2018
Rule 15 Heard By	01/24/2019	02/20/2018
Discovery	10/21/2019	02/20/2018
Rule 56 Served By	11/20/2019	02/20/2018
Rule 56 Filed By	12/20/2019	02/20/2018
Final Pre-Trial Conference	04/20/2020	02/20/2018
Judgment	10/30/2020	02/20/2018

PARTIES

Plaintiff

Shift Eco Boutique, LLC.
535 South Street
Hyannis, MA 02601

Private Counsel

549239

Eugene R Curry
Law Office of Eugene R Curry
Law Office of Eugene R Curry
3010 Main St
Barnstable, MA 02630
Work Phone (508) 375-0070
Fax Number (508) 375-0075
Added Date: 10/31/2017



RTR2709-CR

COMMONWEALTH OF MASSACHUSETTS
BARNSTABLE COUNTY
Public Docket Report**Defendant**In The Pink Stores, Inc.
383 Dorchester Road
Boston, MA 02127**Private Counsel**

685862

Jason E Armiger
Gesmer Updegrove LLP
Gesmer Updegrove LLP
40 Broad St
Boston, MA 02109
Work Phone (617) 350-6800
Added Date: 02/12/2018**EVENTS**

Date	Session	Event	Result	Resulting Judge
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FINANCIAL DETAILS

Date	Fees/Fines/Costs	Assessed	Paid	Dismissed	Balance
10/31/2017	Civil Filing Fee (per Plaintiff) Receipt: 8771 Date: 10/31/2017	240.00	240.00	0.00	0.00
10/31/2017	Civil Security Fee (G.L. c. 262, § 4A) Receipt: 8771 Date: 10/31/2017	20.00	20.00	0.00	0.00
10/31/2017	Civil Surcharge (G.L. c. 262, § 4C) Receipt: 8771 Date: 10/31/2017	15.00	15.00	0.00	0.00
Total		275.00	275.00	0.00	0.00

Deposit Account(s) Summary	Received	Applied	Checks Paid	Balance
Total				



COMMONWEALTH OF MASSACHUSETTS
BARNSTABLE COUNTY
Public Docket Report

INFORMATIONAL DOCKET ENTRIES

Date	Ref	Description	Judge
10/31/2017	1	COMPLAINT WITH JURY DEMAND.	
10/31/2017	2	Civil action cover sheet filed.	
10/31/2017	3	Shift Eco Boutique, LLC.'s MOTION for appointment of Special Process Server. Harold I. March d/b/a March, Whitcomb & Associates and/or any of its employees. ALLOWED.	Nickerson
		Judge: Nickerson, Scott W	
10/31/2017	4	Notice of 93A complaint sent to Attorney General with copy of Complaint. Copy to ERC.	
11/13/2017	5	Service Returned for Defendant In The Pink Stores, Inc.: Service through person in charge / agent; Sarah Lifshin, on 11/6/17.	
02/12/2018	6	APPEARANCE: Attorney appearance on this date Jason E Armiger, Esq. added as Private Counsel for Defendant In The Pink Stores, Inc.	
02/20/2018	7	Stipulation of dismissal with Prejudice, without Costs as to Shift Eco Boutique, LLC.'s original complaint	
02/20/2018		Disposed for statistical purposes	
02/21/2018	8	Notice of 93A complaint sent to Attorney General with copy of Stipulation of Dismissal.	